

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH JOHNSON,

Plaintiff,

v.

No. 6:02-CV-0630  
(C.J. Scullin)

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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APPEARANCES:

OF COUNSEL

OLINSKY DiMARTINO LAW FIRM  
Attorney for Plaintiff  
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HOWARD OLINSKY, ESQ.

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**FREDERICK J. SCULLIN, JR., C.D.J.:**

**DECISION AND ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 29, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

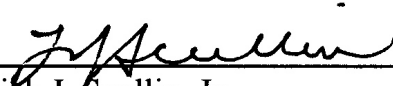
objections to said Report-Recommendation having been filed, it is hereby

**ORDERED**, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 29, 2005 is **ACCEPTED** in its entirety; and it is further

**ORDERED**, that the Commissioner's decision denying disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. §405(g).

**IT IS SO ORDERED.**

DATED: December 28, 2005  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge